

The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

STATE OF WASHINGTON,

Plaintiff,

v.

DONALD TRUMP, in his official capacity as
President of the United States of America;
ERIC D. HARGAN, in his official capacity as
Acting Secretary of Health and Human
Services; U.S DEPARTMENT OF HEALTH
AND HUMAN SERVICES; STEVEN T.
MNUCHIN, in his official capacity as
Secretary of the Treasury, U.S.
DEPARTMENT OF TREASURY; R.
ALEXANDER ACOSTA, in his official
capacity as Secretary of Labor; and UNITED
STATES DEPARTMENT OF LABOR,

Defendants.

No. 2:17-cv-01510-RBL

**DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION TO
CONTINUE THE DEADLINE
FOR RESPONDING TO
DEFENDANTS' MOTION TO
DISMISS OR MOTION FOR
SUMMARY JUDGMENT**

NOTE ON MOTION CALENDAR:
December 22, 2017

Plaintiff has sought to continue Defendants' dispositive motion until the State concludes its jurisdictional discovery. Pl.'s Mot. at 9-10 (ECF No. 27).¹ For the reasons set forth in Defendants' motion for a protective order and to stay discovery and reply in support thereof (ECF Nos. 13, 32), Plaintiff has not established cause to defer briefing in this case in order to allow the State time to conduct jurisdictional discovery. Further, Plaintiff's counsel has informed Defendants' counsel that Plaintiff has now withdrawn the subpoenas that it had served on third parties. *See also* ECF Nos. 34, 35. Thus, there are no longer any pending discovery requests that could warrant a deferral of briefing on Defendants' dispositive motion. (Plaintiff has represented that it withdrew its subpoenas in light of the preliminary injunction recently issued in *Pennsylvania v. Trump*, No. 17-4540 (E.D. Pa. Dec. 15, 2017). *See* Sprung Decl. ¶ 1 (ECF No. 36). In the forthcoming briefing on their dispositive motion, Defendants will explain that the district court's opinion in that case is erroneous, and that that opinion does not control the outcome here.)

Plaintiff also seeks a ten-day extension of its January 2, 2018, deadline to respond to Defendants' pending dispositive motion. Pl.'s Mot. at 11-12. Defendants do not object to a modest extension until January 8, 2018, of Plaintiff's current deadline to account for the December 25, 2017, and January 1, 2018, federal holidays that fall within Plaintiff's 22-day window for responding to Defendants' motion to dismiss or for summary judgment. Defendants do not agree that an extension until January 12, 2018, is necessary and believe that undue delay of the Court's resolution of Defendants' pending dispositive motion is unwarranted.

¹ Plaintiff refers to the parties' "Rule 26(f) conference." Pl.'s Mot. at 10. Although the parties discussed a potential joint briefing schedule and Plaintiff's desire to take discovery, which Defendants objected to as premature and unnecessary, the parties never agreed upon a proposed discovery plan and never submitted a written report outlining a proposed discovery plan with the Court. *See* Fed. R. Civ. P. 26(f).

DATED: December 20, 2017

Respectfully submitted,

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